

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROBERT L. BROOKS,

Plaintiff,

v.

Case No. 2:07-cv-104
HON. R. ALLAN EDGAR

GREG MCQUIGGIN,

Defendant.

/

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge on August 16, 2007. The Report and Recommendation was duly served on the parties. The Court received objections from the Plaintiff and the matter is now ready for a decision. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

As noted in the report and recommendation, the only named Defendant in this case is Warden McQuiggin. Defendant McQuiggin's only role in this action involved the denial of administrative grievances or the failure to act. Defendant McQuiggin cannot be liable for such conduct under § 1983. *Shehee v. Luttrell*, 199 F.3d 295, 300 (6th Cir. 1999), *cert. denied*, 530 U.S. 1264, 120 S. Ct. 2724 (2000). Therefore, Plaintiff's complaint is properly dismissed.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #21) is approved and adopted as the opinion of the Court.

Dated: 9/25/07

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE